

Appl. No. 10/573,042
Reply to Office Action of May 13, 2008
Amendment dated August 13, 2008

REMARKS

In the May 13, 2008 Office Action, the drawings were objected to. Claims 1-20 stand rejected in view of prior art, and claim 14 was rejected as failing to comply with the enablement requirement. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the May 18, 2008 Office Action, Applicants have amended claim 1 and cancelled claims 6, 9, 18, and 19 as indicated above. Also, Applicants have added new claim 21 by the current amendment. Thus, claims 1-5, 7, 8, 10-17, 20, and 21 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

On page 2 of the Office Action, the drawings were objected to as failing to comply with 37 CFR §1.83(a). In response, Applicants respectfully traverse the objection.

Specifically, Applicants respectfully assert that the drawings show how the clip is connected to the other parts. Applicants respectfully assert that the locking clip 490 is shown in Fig. 4, and two locking holes 461 for the clips 490 are shown in Fig. 5. Further it is mentioned that the two locking clips 490 are provided to correspond to the locking holes 461, and the locking clips 490 protrude from the left side surface of the left side portion 49 to the left and it is also mentioned that each locking hole 461 to which each locking clip 490 will be inserted (at page 12, lines 11-16 of the present application).

The aforementioned portion of the written disclosure is cited only as an example and is not intended to limit the claims.

Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. §112

In item 1 of the Office Action, claim 14 was rejected under 35 U.S.C. §112, first paragraph. In response, Applicants respectfully traverse the rejection.

Specifically, Applicants respectfully assert that the specification of the present application enables a person with ordinary skill in the art to make and use the invention since it is mentioned how the clip 490 is connected to the other parts in order to hold the drive portion and temporarily fixing the drive portion in page 12, lines 6-23 and shown in the figures as mentioned above.

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The aforementioned portion of the written disclosure is cited only as an example and is not intended to limit the claims.

Withdrawal of the rejection is respectfully requested.

Rejections - 35 U.S.C. § 102

In item 2 of the Office Action, claims 1-9 and 15-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lee (U.S. Patent Application Publication No. 2002/0189274). In item 3 of the Office Action, claims 1, 10-13, and 20 rejected under 35 U.S.C. §102(b) as being anticipated by Seo (U.S. Patent No. 5,810,658). In response, Applicants have amended independent claim 1 to define the present invention over the prior art of record.

In particular, independent claim 1 now recites an indoor unit of an air conditioner that requires:

- *an opening and closing mechanism includes a first opening and closing mechanism for moving one end of the first movable panel by the driving force of the drive portion, and a second opening and closing mechanism for moving the other end of the first movable panel by the driving force of the drive portion, and*
- *the opening and closing mechanism is configured so as to distribute the driving force from the drive portion to the first opening and closing mechanism and the second opening and closing mechanism.*

Applicants respectfully assert that this structure is *not* disclosed or suggested by Lee, Seo, or any other prior art of record.

More specifically, Lee *fails* to disclose the opening and closing mechanism as claimed. The independent claim 1 recites *one* opening and closing mechanism that distributes a driving force from *a* drive portion to the first and the second opening and closing mechanisms. Applicants respectfully assert that the Office Action identifies Lee as having an opening and closing mechanism 43 and 48 and a drive portion 73. In contrast to the recitation of claim 1 of the present application, and referring to Figure 2 of Lee, Applicants respectfully assert that Lee discloses *two* opening and closing mechanisms 43 and 48 with each one having a motor or drive portion 73 (i.e., the part sets of 73, 43, and 48, as illustrated in Figs. 2, 9A, and 9B of the Lee publication). Thus, the air conditioner of Lee utilizes *two* motors to move the front panel 50. In contrast, claim 1 of the present application recites that *one* drive portion drives the first and second opening and closing mechanisms, therefore, the indoor

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unit of air conditioner of the present application provides precise synchronization of the driving force to the first and second opening and closing mechanisms and provides stable movement of the first and second opening and closing mechanisms. Applicants respectfully assert that Lee, in which the air conditioner possesses *two* motors, would not achieve such movement in the first and second opening and closing mechanisms. Further, Seo is *absolutely silent* with regards to the distribution of the driving force from the drive portion to the first and the second opening and closing mechanisms.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, is not anticipated by the prior art of record.

Moreover, Applicants believe that the dependent claims 2-5, 7, 8, and 10-20 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-5, 7, 8, and 10-20 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 103

In item 4 of the Office Action, claim 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Seo in view of Lin (U.S. Patent No. 6,062,612). In response, Applicants have amended independent claim 1 as mentioned above.

More specifically, in light of the reasons stated above, Applicants respectfully assert that the arrangement recited in independent claim 1 in the current amendment is *not* disclosed or suggested by the Seo for the reasons mentioned above. Also, Applicants assert that Lin is cited to show a clip portion and *fails* to disclose or to suggest an opening and closing mechanism having first and second opening and closing mechanisms that move a first movable panel by a driving force to open and close a first opening as recited in claim 1. Since both Seo and Lin *fail* to disclose or to suggest this feature of claim 1, from which claim 14 ultimately depends, Applicants respectfully assert that the combination of Seo and Lin also *fails* to disclose or to suggest this feature. Further, with regards to claim 14 of the present application, the Office Action states that Lin teaches a clip 44 for holding the drive portion 40

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to fix the drive portion temporarily. The Office Action also states that if that is modified with Seo, the feature recited in claim 14 would be obvious. Applicants respectfully disagree with regards to this assertion because the clip of Lin is C-shaped and Lin is *absolutely silent* with how the clip is connected to the other parts. Therefore, Applicants respectfully assert that the Office Action *merely* states that the recited features of claim 14 of the present application would be obvious by the combination of Seo and Lin.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of the present application. Thus, Applicants believe that the dependent claim 14 is allowable over the prior art of record in that it depends from independent claim 1, and therefore are allowable for the reasons stated above.

Withdrawal of the rejection is respectfully requested.

New Claims

Applicants have added new dependent claim 21 by the current Amendment. This dependent claim is believed to be allowable since they depend from independent claim 1, which is also believed to be allowable in light of the reasons stated above.

Examination and consideration are respectfully requested.

Conclusion

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-5, 7, 8, 10-17, 20, and 21 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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